

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,)	CASE NO.: 1:21CR491
)	
Plaintiff,)	JUDGE J. PHILIP CALABRESE
)	
v.)	
)	
PAUL SPIVAK, ET AL.,)	<u>DEFENDANTS PAUL SPIVAK AND</u>
)	<u>OLGA SMIRNOVA'S PROPOSED</u>
Defendants.)	<u>PRELIMINARY STATEMENT</u>

Defendants Paul Spivak and Olga Smirnova, by and through their counsel, hereby submit the following proposed preliminary statement in accordance with this Court's Trial Order.

PRELIMINARY STATEMENT

Defendant Paul Spivak was the founder, majority shareholder, and Chief Executive Officer of U.S. Lighting Group, Inc., also referred to as USLG, a company located in Eastlake, Ohio, which initially manufactured light bulbs and subsequently expanded to manufacture campers, robots, speed boats, and fiberglass houses. Mr. Spivak owns a substantial number of outstanding restricted and free-trading shares of USLG. Defendant Charles Scott owned a substantial number of outstanding restricted and free-trading shares of USLG. Defendant Olga Smirnova worked as the purchasing manager, then eventually became the former Vice President of Finance for USLG upon the departure of the Chief Financial Officer in 2019. The United States alleges that Mr. Spivak, Ms. Smirnova, and Mr. Scott committed violations of federal law as outlined in the Second Superseding Indictment.

Counts 1 and 2 allege that Mr. Spivak, Ms. Smirnova, and Mr. Scott conspired with one another and others to commit securities fraud in connection with the sale of USLG stock by employing schemes to defraud, making materially false statements and omissions, and employing

fraudulent and deceitful practices vis-à-vis the investing public and sellers and purchasers of USLG stock.

Counts 5-13, 18-20, and 22 charge Mr. Spivak and Mr. Scott (sometimes together and sometimes individually) with substantive counts of securities fraud for participating in a scheme to defraud USLG investors in connection with the purchase and sale of USLG stock.

Counts 24-47 charge Mr. Spivak and Mr. Scott (sometimes together and sometimes individuals) with wire fraud for participating in a scheme to defraud USLG investors by means of false and fraudulent representations and omissions.

And Count 49 alleges that Mr. Spivak made a materially false statement to a United States Magistrate Judge in the Northern District of Ohio during a hearing to determine whether Mr. Spivak posed a serious flight risk or serious risk of obstruction and threat to witnesses. The government alleges that Mr. Spivak knowingly lied to the Court about the existence of a hidden compartment in his bedroom that could be used to store firearms.

Mr. Spivak, Ms. Smirnova, and Mr. Scott each deny the allegations against them.

Dated: August 9, 2024

Respectfully submitted,

/s/ David L. Axelrod

David L. Axelrod (Admitted Pro Hac Vice)
Lauren W. Engelmyer (Admitted Pro Hac Vice)
BALLARD SPAHR LLP
1735 Market Street
Philadelphia, PA 19103
Telephone: 215.864.8639
Facsimile: 215.864.8999
Email: axelrodd@ballardspahr.com
engelmyerl@ballardspahr.com

Attorneys for Defendant Paul Spivak

/s/ John F. McCaffrey

John F. McCaffrey (0039486)
Izaak Horstemeier-Zrnich (0101085)
TUCKER ELLIS LLP
950 Main Ave., Suite 1100
Cleveland, OH 44113
Telephone: 216.696.3486
Facsimile: 216.592.5009
Email: john.mccaffrey@tuckerellis.com
izaak.horstemeier-zrnich@tuckerellis.com

Attorneys for Defendant Olga Smirnova

CERTIFICATE OF SERVICE

I hereby certify that on August 9, 2024, a copy of the foregoing was filed electronically.
Notice of this filing will be sent to all parties by operation of the Court's electronic filing system.
Parties may access this filing through the Court's system.

/s/ David L. Axelrod

David L. Axelrod (Admitted *Pro Hac Vice*)

Lauren Engelmyer (Admitted *Pro Hac Vice*)

Attorneys for Defendant Paul Spivak